

Washington County officials approve use of forfeiture funds

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Washington County officials approved on Friday a plan to spend asset forfeiture funds, despite opposition from one supervisor.

The county District Attorney's Office plans to spend \$64,611 of money seized in criminal and civil asset forfeiture cases in 2017. Of that, \$45,173 comes from federal asset forfeiture, with the remainder coming from state forfeiture.

District Attorney Tony Jordan said the money will be used in investigations and helping law enforcement.

Whitehall Supervisor George Armstrong commended Jordan's office.

"It's great that we can put these ill-gotten gains to good use," Armstrong said. "I just turned 75 and I've never had any problem with the law, so I have very little sympathy for those who have."

Hartford Supervisor Dana Haff, the lone "no" vote on accepting the funds, said it's not that simple.

"We talk all about indigent legal services, and it's my understanding that the public defender does not represent forfeiture cases," Haff said.

He argued that, in cases of civil asset forfeiture, the charges aren't against the accused, but effectively against the property they own.

"It's not against you, it's against the car you drive — bad car!" Haff said. "Property cannot be represented in court."

According to Cornell Law School's Legal Information Institute, Haff is correct, at least when it comes to civil cases.

"Unlike criminal forfeiture, civil forfeiture proceeds against the property, not the person," the group's website says.

Haff also said he was concerned about the source of the federal money, because the county has no way of telling if it was seized through criminal or civil asset forfeiture.

Civil asset forfeiture violates Fourth Amendment protection against unreasonable searches and seizures, because it does not require officers to convict someone of a crime before seizing their property, Haff said.

Armstrong defended the county's use of the funds.

"I'd love to see — without an increase in crime — a doubling of these funds," he said. "We need to get this money out of the hands of people who denigrate our community."

Haff has long opposed the use of the money, citing cases from the libertarian think tank the Cato Institute, as well as the American Civil Liberties Union and multiple media reports. However, he's been unable to sway any of his fellow supervisors.

This year, \$5,000 of the money will be used on drug and crime investigations, \$25,000 on training, \$26,612 on equipment and \$5,000 for travel, transportation and awards.

Equipment the District Attorney's office will be purchasing includes "surveillance cameras, identifying uniforms for on-scene investigations, computers and accessories and training equipment."

The issue has gained some national attention recently. Last month, Rep. Tim Walberg, R-Mich., and Sen. Rand Paul, R-Ky., re-introduced legislation called the Fifth Amendment Integrity Restoration Act.

The bill would remove "the profit motive," eliminate the equitable sharing program and require law enforcement to provide "clear and convincing" evidence before seizing funds, according to a press release from Paul's office.

No action has been taken on the bill yet. In 2014, a similar attempt from Paul never made it out of the Senate.

When reached by *The Post-Star*, Paul's office declined to comment on how the FAIR Act, if passed, would impact this program, saying, "We'll pass on commenting, but thanks for thinking of us."

In a press release, Paul said, "The FAIR Act will protect Americans' Fifth Amendment rights from being infringed upon by ensuring that government agencies no longer profit from taking the property of U.S. citizens without due process. It guards against abuse while maintaining the ability of courts to order the surrender of proceeds of crime."